

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:08cr15

UNITED STATES OF AMERICA

vs.

NICKIE McCASKILL (4)

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on the retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine. (Doc. No. 86).

The defendant was sentenced to 120 months' imprisonment pursuant to the mandatory minimum sentence prescribed in 21 U.S.C. § 841(b)(1)(A), based on her plea to conspiracy to possess with intent to distribute 50 grams or more of a mixture and substance containing cocaine base. (Doc. No. 1: Indictment; Doc. No. 39: Plea Agreement; Doc. No. 76: Judgment; Doc. No. 77: Statement of Reasons). Accordingly, the change in the guidelines does not affect the defendant's sentence. Neal v. United States, 516 U.S. 284, 296 (1996) (retroactive amendment to guidelines does not alter statutory mandatory minimum).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: May 27, 2009



Robert J. Conrad, Jr.
Chief United States District Judge

